UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/15/Add.123
28 June 2000

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-fourth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child

ISLAMIC REPUBLIC OF IRAN

1. The Committee considered the initial report of the Islamic Republic of Iran (CRC/C/41/Add.5), submitted on 9 December 1997, at its 617th and 618th meetings (see CRC/C/SR.617-618), held on 16 May 2000, and adopted* the following concluding observations.

A. Introduction

2. The Committee notes that the State party's report (CRC/C/41/Add.5) was prepared according to the Committee's guidelines for reporting. The Committee regrets, however, that the report is essentially legalistic and does not provide a self-critical evaluation of the prevailing situation of the exercise of children's rights in the country. Moreover, the Committee notes that the rights of the child are seen through a paternalistic lens; the child is not seen as an active subject of human rights. There are significant gaps in information relating to general measures of implementation, general principles, particularly non-discrimination and the best interests of the child, civil rights and freedoms and special protection measures. The Committee welcomes the responses to the list of issues which partially remedied these gaps.

* At the 641st meeting, held on 2 June 2000.

B. Positive aspects

3. The Committee welcomes the State party's progress in achieving most of the goals for the year 2000 laid down in the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s.

4. The Committee notes that article 30 of the Constitution provides free education for all citizens up to secondary school, and that over 90 per cent of children 6-10 years enjoy access to primary education.

5. The Committee notes that the State party hosts the largest refugee population in the world, around 2.1 million people, including a large percentage of children, and has provided assistance, generally with speed and effectiveness and with only limited help from the international community.

C. Factors and difficulties impeding the implementation of the Convention

6. Noting the universal values of equality and tolerance inherent in Islam, and concurring with the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, the Committee observes that narrow interpretations of Islamic texts by State authorities are impeding the enjoyment of many human rights protected under the Convention.

D. Principal subjects of concern and recommendations

1. General measures of implementation

Legislation

7. Noting information from the State party that a Governmental working group has been established to study the compatibility of existing laws with the Convention, the Committee is nevertheless concerned that the broad and imprecise nature of the State party's general reservation potentially negates many of the Convention's provisions and raises concern as to its compatibility with the object and purpose of the Convention.

8. **The Committee recommends that the State party expedite this study and use the findings to review the general nature of its reservation with a view to narrowing and, in the long-term, withdrawing in accordance with the Vienna Declaration and Programme of Action.**

Coordination

9. The Committee is concerned that the lack of administrative coordination and cooperation at the national and local levels of government is a major problem in the implementation of the Convention.

10. **The Committee recommends to the State party to: adopt a comprehensive national plan of action to implement the Convention; allocate the necessary resources, both human and financial; develop professional capacity; and give attention to intersectoral coordination and cooperation at and between national and local levels of government. The State party is encouraged to provide adequate support to local authorities for implementation of the Convention. The Committee recommends that the State party seek assistance from UNICEF and OHCHR, among others.**

Independent/monitoring structures

11. The Committee emphasizes the importance of setting up an independent mechanism with the mandate regularly to monitor and evaluate progress in the implementation of the Convention at the national and local levels.

12. **The Committee encourages the State party to establish a statutory, independent institution, adequately staffed and resourced, with the mandate regularly to monitor and evaluate progress in the implementation of the Convention and empowered to receive and address complaints of violations of children's rights. The Committee recommends that the State party seek assistance from UNICEF and OHCHR, among others.**

Allocation of budgetary resources

13. Noting the State party's efforts to implement various child-oriented programmes, the Committee nevertheless expresses its concern that insufficient attention has been paid to article 4 of the Convention regarding the implementation to the "maximum extent of ... available resources" of the economic, social and cultural rights of children.

14. **The Committee recommends that the State party develop ways to establish a systematic assessment of the impact of budgetary allocations on the implementation of children's rights, and collect and disseminate information in this regard. The Committee recommends that the State party ensure the adequate distribution of resources at the national and local levels, where needed, within the framework of international cooperation.**

Cooperation with NGOs

15. The Committee notes that cooperation with non-governmental organizations in the implementation of the Convention, including preparation of the report, remains limited.

16. **The Committee encourages the State party to consider a systematic approach to involving NGOs, and civil society in general, in all stages of the implementation of the Convention, including policy-making.**

Training/dissemination of the Convention

17. Although the Convention is binding and has the force of law, according to article 9 of the Civil Code and article 77 of the Constitution, the Committee is concerned that it has not been invoked in the courts because of insufficient awareness of the Convention amongst the judiciary,

lawyers and the general public, including children, despite efforts by the State party to inform children of their rights. In this regard, the Committee is concerned that the State party is not undertaking adequate dissemination and awareness-raising activities in a systematic and targeted manner.

18. **The Committee recommends that the State party develop an ongoing programme for the dissemination of information regarding the implementation of the Convention among children and parents, civil society and all sectors and levels of government. The Committee encourages the State party to pursue efforts to promote children's rights education in the country, including initiatives to reach the most vulnerable groups. Moreover, the Committee recommends that the State party strengthen its efforts and develop systematic and ongoing training programmes on the provisions of the Convention for all professional groups working with children (e.g. judges, lawyers, law enforcement officials, civil servants, local government officials, personnel working in institutions and places of detention for children, teachers, health personnel, including psychologists, and social workers). The Committee encourages the State party to seek assistance from OHCHR and UNICEF, among others, in this regard.**

2. Definition of the child

19. The Committee notes information that the State party is making efforts to study the age of maturity of females. Nevertheless, the Committee is concerned that the definition of the child, under Note 1 of article 1212 of the Civil Code and Note 1 of article 49 of the Islamic Penal Law, which provide for the attainment of majority at predefined ages of puberty, result in arbitrary and disparate application of laws and discriminate between girls and boys with respect to legal capacity (including minimum age for marriage), civil liability and age of criminal responsibility.

20. **The Committee recommends that the State party review its legislation so that the definition of the child and minimum age requirements conform to the principles and provisions of the Convention, and in particular that they are gender neutral, and ensure that they are enforced.**

3. General principles

Non-discrimination

21. The Committee is concerned at the persistence of discrimination under the law. In particular:

(a) The Committee finds that discrimination against girls and children born out of wedlock under the Civil and Penal Codes is incompatible with article 2. Moreover, the Committee is concerned that discriminatory social attitudes towards the education of girls, primarily in rural areas, result in low school enrolments and high drop-out rates, and in early and forced marriages;

(b) The Committee finds that infringement of a child's rights under the Convention as a result of indirect discrimination, or discrimination against his or her mother, under the Civil Code (e.g. in relation to custody, guardianship and nationality) is incompatible with article 2. The Committee expresses its concern at the persistence of stereotypical attitudes about the roles and responsibilities of women and men.

22. **Concurring with the findings of the Human Rights Committee (CCPR/C/79/Add.25) and the Committee on Economic, Cultural and Social Rights (E/C.12/1993/7), and in accordance with article 2 of the Convention, the Committee recommends that the State party take effective measures to prevent and eliminate discrimination on the grounds of sex and birth in all fields of civil, economic, political, social and cultural life. The Committee recommends that the State party make every effort to enact or rescind, where necessary, civil and criminal legislation to prohibit any such discrimination. In this regard, the Committee encourages the State party to consider the practices of other States that have been successful in reconciling fundamental rights with Islamic texts. The Committee recommends that the State party take all appropriate measures, such as comprehensive public education campaigns, to prevent and combat negative societal attitudes in this regard, particularly within the family. Religious leaders should be mobilized to support such efforts.**

23. As noted by the Committee on the Elimination of Racial Discrimination (A/54/18, paras. 294-313), the Committee is concerned at the large disparities in the enjoyment of rights in provinces inhabited largely by persons belonging to ethnic minorities, especially in Sistan and Baluchestan, Lorestan, West Azarbaijan, Ardabil and Hormozgan.

24. **The Committee recommends that the State party take all necessary measures to ensure that all children within its jurisdiction enjoy all the rights set out in the Convention without discrimination, in accordance with article 2. The Committee recommends that the State party prioritize and target social services for children belonging to the most vulnerable groups.**

Best interests of the child

25. The Committee is concerned that in all actions concerning children, the general principle of the best interests of the child contained in article 3 of the Convention is not a primary consideration, including in matters relating to family law (e.g. duration of custody under articles 1169 and 1170 of the Civil Law is arbitrary as it is determined by the child's age, and is discriminatory against the mother).

26. **The Committee recommends that the State party review its legislation and administrative measures to ensure that article 3 of the Convention is duly reflected therein.**

Right to life

27. The Committee is seriously concerned that respect for the inherent right to life of a person under 18 is not guaranteed under the law, particularly in light of article 220 of the Penal Law, which provides that a man who kills his own child or his son's child is subject only to discretionary punishment and the payment of blood money.

28. **The Committee recommends that the State party take all necessary measures to ensure that there is no discriminatory treatment for such crimes, and ensure prompt and thorough investigations and prosecutions.**

29. In light of articles 6 and 37 (a) of the Convention, the Committee is seriously disturbed at the applicability of the death penalty for crimes committed by persons under 18 and emphasizes that such a penalty is incompatible with the Convention.

30. **The Committee strongly recommends that the State party take immediate steps to halt and abolish by law the imposition of the death penalty for crimes committed by persons under 18.**

Respect for the views of the child

31. The Committee welcomes the initiation of the "school mayor" programme, but is nevertheless concerned that respect for the views of the child remains limited owing to traditional societal attitudes towards children in schools, the courts, and especially within the family. The Committee is concerned that the child's views may only be represented in judicial proceedings affecting him or her through the father, paternal grandfather or other appointed guardian and not directly by the child. The Committee is of the opinion that article 1041 of the Civil Code providing that the marriage of a minor is valid if the father or legal guardian has given his consent, notwithstanding the views of the child, is incompatible with the Convention.

32. **The Committee encourages the State party to promote and facilitate within the family, the school, the courts and administrative bodies respect for the views of children and their participation in all matters affecting them in accordance with article 12 of the Convention. In this regard, the Committee recommends that the State party develop skills-training programmes in community settings for teachers, social workers and local officials to enable them to assist children to express their informed decisions and take these views into consideration. The Committee recommends that the State party take all necessary measures to halt early and forced marriages, including public education campaigns, particularly in rural areas. The Committee recommends that the State party seek assistance from UNICEF, among others.**

4. Civil rights and freedoms

Freedoms of expression and assembly

33. The Committee is concerned that although the freedoms of expression and assembly are formally recognized in the Constitution, the exercise of these rights by children are restricted by vaguely worded limitation clauses (i.e. "in accordance with Islamic criteria"), which potentially exceed the permitted restrictions set out in paragraph 2 of articles 13 and 15 of the Convention. The Committee is concerned at reports of incidents of threats and violence by vigilante groups, such as Ansari-Hezbollah, directed at persons seeking to exercise or to promote the exercise of these rights.

34. **The Committee recommends that the State party establish clear criteria to assess whether a given action or expression is in accordance with interpretations of Islamic texts, and consider appropriate and proportionate means to protect public morals while safeguarding the right of every child to freedom of expression and assembly.**

Freedom of thought, conscience and religion

35. The Committee emphasizes that the human rights of children cannot be realized independently from the human rights of their parents, or in isolation from society at large. In light of article 14 of the Convention, the 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (General Assembly resolution 36/55), Commission on Human Rights resolution 2000/33, the Human Rights Committee's General Comment 22, and concurring with the findings of the Human Rights Committee (CCPR/C/79/Add.25) and the Committee on Economic, Social and Cultural Rights (E/C.12/1993/7), the Committee is concerned at the restrictions on the freedom of religion, and that restrictions on the freedom to manifest one's religion do not comply with the requirements outlined in article 14, paragraph 3. The Committee is especially concerned at the situation of members of non-recognized religions, including the Baha'is, who experience discrimination in areas of, inter alia, education, employment, travel, housing and the enjoyment of cultural activities.

36. **The Committee recommends that the State party take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms in all fields of civil, economic, political, social and cultural life. The Committee recommends that the State party make every effort to enact or rescind, where necessary, legislation to prohibit any such discrimination, and take all appropriate measures, including public education campaigns, to combat intolerance on the grounds of religion or other belief. The Committee endorses the recommendations made by the Special Rapporteur on the question of religious intolerance following his visit to the State party (E/CN.4/1996/95/Add.2) and recommends that the State party implement them fully.**

Protection from torture, inhuman or degrading treatment or punishment

37. In light of article 37 (a) of the Convention, the Committee is seriously concerned that persons who committed crimes while under 18 can be subjected to corporal punishment under Note 2 of article 49 of the Islamic Penal Law, or can be subjected to a variety of types of cruel, inhuman or degrading treatment and punishment such as amputation, flogging and stoning, which are systematically imposed by judicial authorities. Concurring with the Human Rights Committee (CCPR/C/79/Add.25), the Committee finds that application of such measures is incompatible with the Convention.

38. **The Committee recommends that the State party take all necessary steps to end the imposition of corporal punishment under Note 2 of article 49 of the Islamic Penal Law and the imposition of amputation, flogging, stoning and other forms of cruel, inhuman or degrading treatment and punishment to persons who may have committed crimes while under 18.**

5. Family environment and alternative care

Violence/abuse/neglect/maltreatment

39. In light of articles 19 and 39 of the Convention, the Committee is concerned that legislation provides for corporal punishment within the family, under Note 2 of article 49 and article 59 of the Islamic Penal Law and article 1179 of the Civil Code.

40. **The Committee recommends that the State party take legislative measures to prohibit all forms of physical and mental violence against children, including corporal punishment and sexual abuse, in the family and in the schools. The Committee recommends that these measures be accompanied by public education campaigns about the negative consequences of ill-treatment of children. The Committee recommends that the State party promote positive, non-violent forms of discipline as an alternative to corporal punishment, especially in the home and the schools. Programmes for the rehabilitation and reintegration of abused children need to be strengthened. Moreover, adequate procedures and mechanisms need to be established to: receive complaints; monitor, investigate and prosecute instances of ill-treatment; and ensure that the abused child is not victimized in legal proceedings. The Committee recommends the training of teachers, law enforcement officials, care workers, judges and health professionals in identifying, reporting and managing cases of ill-treatment. Attention should be given to addressing and overcoming socio-cultural barriers that inhibit victims from seeking assistance. The Committee recommends that the State party seek assistance from UNICEF and WHO, among others.**

6. Basic health and welfare

Children with disabilities

41. While there are support mechanisms for the care of children with disabilities, the Committee is concerned that inadequate efforts has been made to include such children in mainstream society.

42. **The Committee recommends that the State party review existing policies and practices in relation to children with disabilities, taking due regard of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and of the Committee's recommendations adopted on its day of general discussion on children with disabilities (CRC/C/69) and ensure that they enjoy all the rights contained in the Convention. The Committee encourages the State party to make greater efforts to promote community-based rehabilitation programmes and inclusive education. The Committee encourages the State party to undertake greater efforts to make the necessary resources available, and to seek assistance from UNICEF, WHO, and relevant NGOs, among others.**

Right to health and health care

43. Noting the significant achievements made in the area of child health, the Committee is however concerned at the insufficient information available in relation to adolescent health, including on reproductive health services, STD and HIV/AIDS prevention programmes, counselling services and substance abuse.

44. **The Committee recommends that the State party undertake a comprehensive study to determine the nature and extent of adolescent health problems, with the full participation of adolescents, and use this as a basis to formulate adolescent health policies and programmes. In light of article 24, the Committee recommends that adolescents have access to and be provided with reproductive health education and child-friendly counselling and rehabilitation services. The Committee recommends that the State party seek assistance from UNICEF and WHO, among others.**

Right to an adequate standard of living

45. The Committee is concerned about large numbers of children living and/or working on the streets, particularly in urban centres such as Tehran and Isfahan, who are amongst the most marginalized groups of children in Iran.

46. **The Committee recommends that the State party establish mechanisms to ensure that these children are provided with identity documents, food, clothing and housing. Moreover, the State party should ensure that these children have access to health care; rehabilitation services for physical, sexual, and substance abuse; services for reconciliation with their families; comprehensive education, including vocational and life-skills training; and legal aid. The Committee recommends that the State party seek assistance from UNICEF, among others.**

7. Education, leisure and cultural activities

Aims of education

47. Noting significant efforts by the State party to improve education coverage, the Committee is concerned that the aims of education as presented in paragraphs 150-152 of the report do not adequately reflect the aims outlined in article 29 of the Convention, particularly in regard to the development and respect for human rights, tolerance, and equality of the sexes and religious and ethnic minorities.

48. **The Committee recommends that the State party take due regard of the aims of education laid down in article 29 and consider introducing human rights, including the Convention on the Rights of the Child, into the school curricula, including at the primary school level. The Committee encourages the State party to seek assistance from UNICEF, UNESCO and relevant NGOs, among others.**

8. Special measures of protection

Unaccompanied, asylum-seeking and refugee children

49. The Committee is concerned that many refugee children remain unregistered, which limits their ability to fully utilize social services, including schools.

50. **The Committee recommends that the State party: ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness; set up a central system of registration and monitoring of refugees in order to provide accurate statistics, and clarify the status of refugees; adopt special measures to deal with unaccompanied children; entertain requests for family reunification in view of its impact of the possibility of resettlement in third countries of asylum; and review discriminatory employment policies (i.e. issuance of work permits) which affect the capacity of refugee families, particularly Afghan refugees, to support themselves. The Committee encourages the State party to continue and expand its cooperation with international agencies, including UNHCR and UNICEF.**

Economic exploitation

51. The Committee is concerned at the large numbers of children involved in child labour, especially in the informal sector, such as household enterprises and agriculture, many of whom are working in hazardous conditions.

52. **The Committee recommends that the State party raise the age for the end of compulsory education to the minimum age of admission to employment as set out under article 79 of the Labour Act. Employers should be required to have and produce on demand proof of age of all children working on their premises, and the State party should vigorously pursue enforcement of minimum-age standards. In light of the State party's assertion that child labour legislation is in conformity with ILO standards (CRC/C/41/Add.5, para. 4), the Committee encourages the State party to ratify the ILO Conventions concerning child labour, including the Convention concerning the Minimum Age for Admission to Employment (No. 138), and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (No. 182). The Committee recommends that the State party seek assistance from ILO, among others.**

Administration of juvenile justice

53. The Committee is concerned that persons under 18 may be prosecuted for crimes in the same manner as adults, without special procedures; are potentially liable for the same penalties as adults; may be subject to deprivation of liberty without due process under article 49 of the Islamic Penal Law; and, apart from facilities in some large cities, may be held in detention with adults. Furthermore, the Committee is concerned that the right of juvenile delinquents to protective and rehabilitative measures is not guaranteed.

54. **The Committee recommends that the State party establish a system of juvenile justice, fully integrating into its legislation and practice the provisions of the Convention, in particular articles 37, 40 and 39, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, and the Vienna Guidelines for Action on Children in the Criminal Justice System. Particular attention should be paid to ensure that deprivation of liberty is only used as a measure of last resort, children have access to legal aid, and that children are not detained with adults. Facilities and programmes for the physical and psychological recovery and social reintegration of juveniles should be developed. The Committee recommends that the State party seek assistance from OHCHR, the Centre for International Crime Prevention, the International Network on Juvenile Justice, and UNICEF through the Coordination Panel on Juvenile Justice, among others.**

9. Dissemination of the reports

55. **Finally, the Committee recommends that in accordance with article 44, paragraph 6, of the Convention, the initial report presented by the State party be made widely available to the public at large and that consideration be given to the publication of the report along with the written answers to the list of issues raised by the Committee, the relevant summary records of the discussion and the concluding observations adopted thereon by the Committee following its consideration of the report. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned NGOs.**